



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DW Feb-06

GENENTECH, INC.
1 DNA WAY
SOUTH SAN FRANCISCO CA 94080

COPY MAILED

FEB 07 2006

OFFICE OF PETITIONS

In re Application of :
Chan et al. :
Application No. 10/076,213 : DECISION ON PETITION
Filed: 12 February, 2002 :
Atty Dckt No. A-60010-1/RFT/DLR :

This is a decision on the petition filed on 17 January, 2006,
under 37 CFR 1.137(b),¹ to revive the above-identified
application.

The petition is **GRANTED**.

The application became abandoned on 16 December, 2005, for
failure to timely submit the issue and publication fees as
required by the Notice of Allowance and Fee(s) Due mailed on 15
September, 2005, which set a three (3) month period for reply.
The filing of the present petition precedes the mailing of a
Notice of Abandonment.

¹ Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application, abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

This application is being referred to the Publishing Division for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

D. Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions